

REMARKS

The Official Action mailed May 4, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on October 21, 2004; and January 18, 2006.

A further Information Disclosure Statement was filed May 31, 2007 (received by OIPE June 1, 2007), and consideration of this Information Disclosure Statement is respectfully requested.

Claims 13-23 and 49-74 are pending in the present application, of which claims 13, 49, 58 and 67 are independent. Claims 13-23 have been withdrawn from consideration by the Examiner (page 2, Paper No. 20070423). Claims 49, 58 and 67 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 49-74 as anticipated by U.S. Patent Application Publication No. 2003/0021307 to Yamazaki and claims 49-51, 53, 57-60, 62, 66-69 and 74 as anticipated by U.S. Patent No. 5,896,233 to Soda. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 49, 58 and 67 have been amended to recite that a specular body fully rotates using a shaft as its center, which is supported in the present specification, for example, by Figure 1. The Applicant respectfully submits that

Yamazaki or Soda does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Yamazaki or Soda does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects dependent claims 52, 61 and 70 as obvious based on the combination of Soda and U.S. Patent Application Publication No. 2004/0135644 to Mizoguchi. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Soda. Mizoguchi does not cure the deficiencies in Soda. The Official Action relies on Mizoguchi to allegedly teach the features of the dependent claims. Specifically, the Official Action relies on Mizoguchi to allegedly teach a supporting bar in one end or in opposite ends of a shaft for supporting a mirror (pages 5-6, Paper No. 20070423). However, Soda and Mizoguchi, either alone or in combination, do not teach or suggest the following features or that Soda should be modified to include any of the following features: that a specular body fully rotates using a shaft as its center. Since Soda and Mizoguchi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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